

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MR. ROOTER CORPORATION,	}	
	}	
Plaintiff(s)	}	AL-ND Miscellaneous Case
v.	}	
	}	TX-WD Case Number: W-02-CA-255
GARY WAYNE MERCER,	}	
	}	
Defendant(s).	}	

CERTIFICATE OF JUDGMENT

I, **Perry D. Mathis**, Clerk of the United States District Court for the Northern District of Alabama, do hereby certify that on the 6th day of August, 2003, a Judgment was rendered in the United States District Court for the Western District of Texas, Waco Division, and registered in the United States District Court for the Northern District of Alabama on the 1st day of December, 2003, in the above-styled cause wherein: plaintiff Mr. Rooter Corporation obtained from defendant Gary Wayne Mercer in the sum of \$19,665.15 Dollars for unpaid damages fees, and also the sum of \$12,690.46 Dollars for attorney's fees and expenses; costs of said suit to be paid by defendant Gary Wayne Mercer; post judgment interest in accordance with the provisions of 28 USC 1961 awarded to plaintiff Mr. Rooter Corporation; further that defendant Gary Wayne Mercer, his employees and partners, and al persons or entities in active concert or participation with him are permanently enjoined from using trade name, trademark or service mark of Mr. Rooter Corporation or any reproduction, as set out in the attached judgment.

WITNESS My Hand and Seal of this Court on January 22, 2004.

PERRY D. MATHIS, CLERK

By: Shirley Brown
Deputy Clerk

FILED

**United States District Court
Western District of Texas**

DEC 1 2003

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

MR. ROOTER CORPORATION

V.

GARY WAYNE MERCER

**CERTIFICATION OF JUDGMENT
FOR REGISTRATION IN
ANOTHER DISTRICT**

CASE NUMBER: W-02-CA-255

I, WILLIAM G. PUTNICKI, Clerk of the United States District Court

certify that the attached judgment is a true and correct copy of the original judgment entered in this action on

_____, as it appears in the records of this court, and that
Date

no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

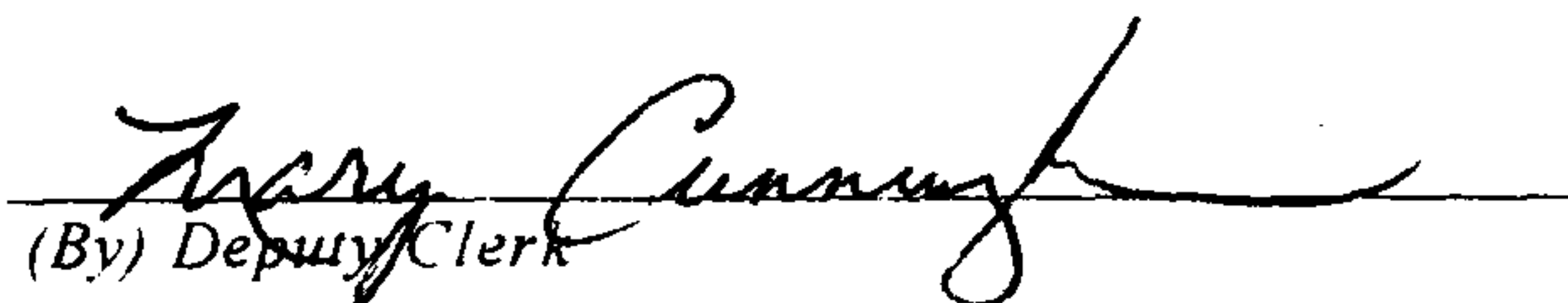
IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

OCT 09 2003

Date

WILLIAM G. PUTNICKI

Clerk


(By) Deputy Clerk

*Insert the appropriate language: . . . "no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed." . . . "notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (**) have been disposed of, the latest order disposing of such a motion having been entered on [date]." . . . "an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]." . . . "an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

(** Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial, and for an extension of time for filing a notice of appeal.)

FILED

AUG 06 2003

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

MR. ROOTER CORPORATION,
Plaintiff,

v.

GARY WAYNE MERCER,
Defendant.

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§

CIVIL ACTION NO. W-02-CA-255

J U D G M E N T

In accordance with the Order granting Mr. Rooter's Request for Entry of Default and Motion for Default Judgment, the Court enters its Judgment as follows:

IT IS ORDERED, ADJUDGED AND DECREED that Defendant Gary Wayne Mercer pay Mr. Rooter Corporation \$19,665.15 in actual damages for unpaid royalty and advertising fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Gary Wayne Mercer pay \$12,690.46 in reasonable and necessary attorney's fees and expenses to Mr. Rooter Corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of court are to be paid by Defendant Gary Wayne Mercer.

A true copy of the original, I certify.
WILLIAM G. PUTNICKI
Clerk, U. S. District Court.

By: [Signature]
Deputy

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Mr. Rooter Corporation is awarded post-judgment interest in accordance with the provisions of 28 U.S.C. § 1961.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Gary Wayne Mercer, his employees and partners, and all persons or entities in active concert or participation with him, are **PERMANENTLY ENJOINED** from:

(a) using any trade name, trademark or service mark of Mr. Rooter Corporation or any reproduction, counterfeit, copy or colorable imitation of Mr. Rooter Corporation's mark in connection with the advertising, offering for sale, or sale of any plumbing services which are not those of Mr. Rooter Corporation;

(b) using any trade name, trademark or service mark of Mr. Rooter Corporation or any reproduction, counterfeit, copy or colorable imitation of Mr. Rooter Corporation's mark which would be likely in any manner to cause confusion, mistake, or deception; and

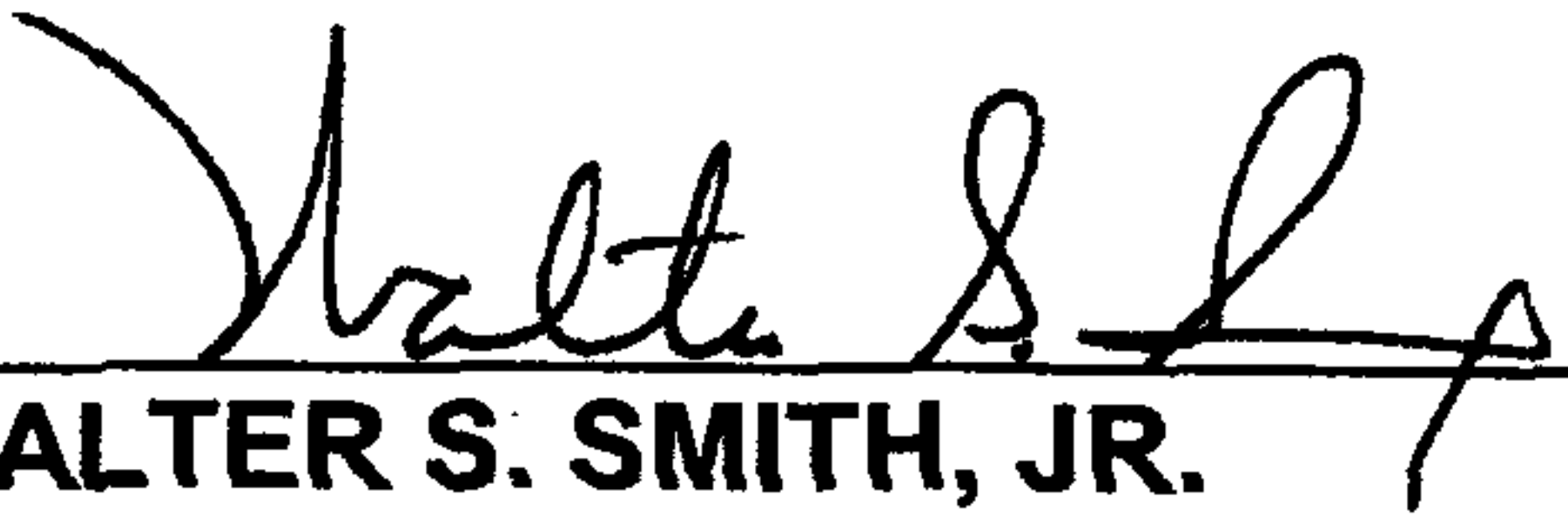
(c) otherwise competing unfairly with Mr. Rooter Corporation in any manner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Gary Wayne Mercer, within 21 days from entry of this Final Judgment, file and serve upon Mr. Rooter Corporation a report in writing and under oath setting forth in detail the manner and form in which Defendant Gary Wayne Mercer has complied with the Permanent Injunction.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Gary Wayne Mercer shall comply with the Franchise Agreement's "Obligations Upon Termination."

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any relief not specifically granted in this Final Judgment is **DENIED**.

SIGNED this 5th day of August, 2003.



WALTER S. SMITH, JR.
Chief United States District Judge